IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.MC.No. 1164 of 2006()

ST.1910/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY

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PETITIONER: ACCUSED

C.A.UNNIKRISHNAN, 38 YEARS,
S/O.APPUGUPTHAN,
CHEMBANPADATH HOUSE, VAKADAPURAM.P.O,
SREEKRISHNAPURAM VILLAGE,
PALAKKAD DISTRICT.

BY ADV. SRI.A.F.SEBASTIAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. ABDUL VAHAB THANGAL,
S/O.MALIYEKAL POOKOYA THANGAL,
MULLORKARA VILLAGE, THALAPPILLY TALUK,
(REP. BY HIS POWER OF ATTORNEY HOLDER,
UNNIKRISHNAN.V.R, S/O.VARAVATTOOR RAJAN, S.N.NAGAR
DESOM, MULLORKARA VILLAGE, THALAPPILLY TALUK).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
SRI.G.SREEKUMAR (CHELUR)

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1164 of 2006

Dated this the 23rd day of January 2007

O R D E R

There is no representation for the petitioner. The learned counsel for the respondent has been heard. The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. He has come to this court with this application for quashing the proceedings. It is contended that the ingredients of the offence punishable under Section 138 of the Negotiable Instruments Act have not been shown to exist satisfactorily. It is further contended that there is a delay of 69 days in filing the complaint. The said delay was condoned. The order under which the delay was condoned is not produced. I am, in these circumstances, satisfied that the challenge raised in this Criminal Miscellaneous Case cannot succeed. This Criminal Miscellaneous Case is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006